
**PDF PAGE 1, COLUMNS 1,
5, & 6**

PDF PAGE 1, COLUMN 1

**Rosser Ready; Roan Will Hear
Frank Argument**

PDF PAGE 1, COLUMN 5

**SOLICIT
OR**

**EXPECTED
TO
SEEK
DELAY**

Defense to File Plea for New Trial

Wednesday - State Faces Difficult Task

Fight for the life of Leo M. Frank, sentenced to be hanged October 10 for the murder of Mary Phagan, will assume activity Wednesday, when the papers in the motion for a new trial will be filed by the attorneys for the defense.

Solicitor Hugh Dorsey will begin an examination of the papers immediately in an effort to complete his answer by Saturday, the date set for the hearing of the motion for a new trial.

Regardless of the success or failure of Mr. Dorsey to prepare his answer by Saturday, Judge L. S. Roan will hear the motion and dispose of the case before he retires from the Superior bench, according to authoritative information Tuesday.

Wants to Finish Case.

This final decision is in deference to the expressed desire of Judge Roan, who was quoted exclusively in The Georgian last week to the effect that he felt his duty to finish up the Frank case before retiring in accordance with the wishes of all other officials concerned. Solicitor Dorsey is anxious for Judge Roan to hear the motion in view of the fact that Judge Roan is familiar with every phase of the famous case.

Judge Roan, as trial judge, generally has been regarded as the logical man to dispose of the case. The Superior court judges are said to be a unit in that opinion.

The announcement that the paper sin the motion for a new trial would be filed Wednesday was made Tuesday by Attorney Luther Rosser.

Dorsey May Ask Delay.

“We have been hard at work on our evidence for weeks,” said Mr. Rosser, “and have now just about completed it. It is practically certain that we will file the papers Wednesday.”

Should the contentions set forth by the defense involve questions requiring the summoning of witnesses from various parts of the State, or other new evidence, it will be almost impossible for Solicitor Dorsey to make reply by next Saturday.

As such evidence is said to be more or less certain, it is more than likely that the Solicitor still request a postponement of the hearing for the motion. In any event, however, the motion will be heard before Judge Roan.

PDF PAGE 1, COLUMN 6

**FRANK TRIAL
JURIST
WILL HEAR NEW
PLEA**

Judge L. S.

Roan, who
sentenced
convinced
slayer of
Mary Phagan.

**PDF PAGE 2, COLUMNS 1 &
3**

PDF PAGE 2, COLUMN 1

**Dorsey Prepares Vigorous Fight on
Frank Motion**

PDF PAGE 2, COLUMN 3

DELAY MOVE BY STATE CERTAIN

Solicitor Hugh Dorsey Wednesday prepared to make a vigorous assault on the arguments set forth in the motion for a new trial for Leo M. Frank, sentenced to hang on October 10 for the murder of Mary Phagan. The papers will be filed by attorneys for the defense probably early Wednesday afternoon.

Postponement of the hearing Saturday appeared certain Wednesday morning prior to the filing of the papers.

Mr. Dorsey declared he would go into an investigation of the papers immediately in an effort to make his reply at the earliest possible moment.

It is hardly likely, however, that Mr. Dorsey will be able to prepare his answer by Saturday, the date set for the hearing of the motion, as the papers are said to be quite lengthy and filled with evidence which probably will require the summoning of witnesses from various parts of the State.

It is likely, therefore, that the Solicitor will request a postponement of the hearing until he can complete his side of the case.

In this event the motion probably will be heard within the next week or ten days before Judge Roan, who, according to every reliable indication, will dispose of the Frank case before he retires from the bench.

PDF PAGE 3, COLUMN 6

HOT ATTACK PLANNED ON FRANK'S MOTION

Solicitor Hugh Dorsey Wednesday prepared to make a vigorous assault on the arguments set forth in the motion for a new trial for Leo M. Frank, sentenced to hang on October 10 for the murder of Mary Phagan. The papers will be filed by attorneys for the defense probably early Wednesday afternoon.

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**PDF PAGE 4, COLUMNS 1,
2, & 7**

**PDF PAGE 4, COLUMN 1
ASK NEW FRANK TRIAL ON
115 COUNTS**

PDF PAGE 4, COLUMN 2

Dorsey Tells Why Jail Is Crowded

That the overcrowded condition of the county jail, which has been made the subject of a letter from the Board of County Commissioners, can not be alleviated at the present time was the statement of Solicitor Dorsey Wednesday.

Mr. Dorsey declared the conditions grew out of the Frank trial and the consequent absence of one judge from the criminal bench.

PDF PAGE 4, COLUMN 2

Mother of a Frank

Juror Held Insane

An echo of the Frank trial was heard in the Fulton County Ordinary Court Wednesday when a jury declared Mrs. Eliza Bosshardt, 60 years of age, mother of Charles Bosshardt, one of the jurors in the case, a fit subject for the State sanitarium at Milledgeville.

Relatives testified Mrs. Bosshardt suffered from delusions during the Frank trial. She expressed fear that her son would be drowned.

PDF PAGE 4, COLUMN 7

**MANY ERRORS
LAID TO
COURT; CHARGE
MADE**

OF JURY INTIMIDATION

Citing 115 counts wherein the count is declared to have erred in the trial of Leo M. Frank, Luther Z. Rosser Wednesday fled with the criminal court a motion for a new trial for the pencil factory superintendent, sentenced to hang October 10 for the murder of Mary Phagan.

The motion, contained in nearly two hundred typewritten sheets, includes an exhaustive research of the trial and each count, as it is brought out, is dissected.

The motion will be placed in the hands of Solicitor Dorsey for his inspection and reply and the first hearing will be given on October 4.

Principal among the objections offered in the motion is the conduct of the crowds which attended the trial. Frank's attorneys openly declare the jury was intimidated, and despite their objections no effort was made to stop the applause which time and again rang out in the courtroom.

"Threats to clear the room were made by the trial judge," the motion states, "but they were absolutely disregarded and the threats were not enforced, despite the objections of counsel for the defense."

Hits at Conley Testimony.

The motion struck also at the admission of the lascivious testimony of Jim Conley, the negro sweeper. The testimony referred to included that wherein the negro declared on the witness stand that Frank had entertained women in the factory on holidays while he stood watch at the front door.

“Lasciviousness is not one of the character traits involved in a plea of murder and can not be held in a murder trial, even when the defendant has put his character in issue,” the motion stated.

The testimony of Dr. H. F. Harris, Country Physician, also was objected to. The motion declared that the physician’s testimony was “argumentative and not a statement of fact, scientifically or otherwise.” Dr. Harris had gone extensively into an analysis of the cabbage taken from the stomach of Mary Phagan, which she had eaten on the morning of her tragic death.

Objection was also made to the testimony of Newt Lee, the negro night watchman, who first found the Phagan girl’s body, wherein he testified as to Frank’s nervousness and his method of conversation when the two were brought together at the police station following the murder.

The testimony of Detective Black that Frank was excited, while Lee was composed, at this time also was made the point of an objection. Black’s statements of a conversation which he had had with Frank before the murder, when on a private investigation, were objected to when the detective compared them to the conversation which he held with the pencil factory superintendent after the girl was murdered.

Charge Errors to Court.

The petition charges that the court erred in allowing the testimony of Miss Mary Pirk, who charged immoral conditions at the pencil factory, and in admitting other testimony hinting at the same thing over the protests of the defense.

Error is charged in the admission of Miss Irene Jackson’s evidence concerning a conversation with Detective Starnes about dressing-room conditions, and an incident in which Frank looked into the room when Miss Emily Mayfield was not dressed.

Another count is based on the admission of Scott’s testimony concerning a conversation he had with Mrs. Arthur White

regarding her seeing a negro on the first floor of the factory. The State claimed this negro was Jim Conley.

Solicitor's Conduct Attacked.

The court is charged with error in allowing the Solicitor to declare that he was prepared to prove the charges

PDF PAGE 10, COLUMN 1

**PLEA FOR NEW
TRIAL FOR**

**FRANK, DOOMED
SLAYER**

**IS BASED ON 115
COUNTS**

Continued From Page 1.

of immorality against Frank. The petition charges specific error to the Solicitor's declaration. "I am not fourflushing," made in the presence of the jury. It is declared that this declaration had undue influence on the jurors' minds, leading them to unfair inference.

Another error is laid to the court in allowing over the defense's objection to Solicitor's questions tending to show that

Montag Brothers had attempted to influence the Pinkertons and had tried to make the detective agency shield the prisoner. The petition declares that none of the evidence concerning the employment of the Pinkertons was admissible.

The overruling of any evidence from Street Car Inspector Leach concerning the dismissal or punishment of employees for being ahead of schedule time is another count.

Error is charged in the questioning of J. N. Minar, a reporter for The Georgian. The defense claims that the questions concerning whether he went to interview the Epps family merely as a reporter should never have been allowed. The questions were asked, the petition says, to influence the jury and no attempt to prove the intimations ever was made.

In refusing to allow Miss Hall to testify to a telephone conversation in rank told her about work to be done that tragic day another error is charged and another in the admission of Philip Chambers' reference to Gantt, tending to show that Frank had tried to throw suspicion on Gantt and shield himself.

PDF PAGE 5, COLUMNS 1 & 7

PDF PAGE 5, COLUMN 1

FRANK CHARGES JURY INTIMIDATION

PDF PAGE 5, COLUMN 7

ERRORS LAID TO COURT IN RETRIAL ARGUMENT

Citing 115 counts wherein the count is declared to have erred in the trial of Leo M. Frank, Luther Z. Rosser Wednesday fled with the criminal court a motion for a new trial for the pencil factory superintendent, sentenced to hang October 10 for the murder of Mary Phagan.

The motion, contained in nearly two hundred typewritten sheets, includes an exhaustive research of the trial and each count, as it is brought out, is dissected.

The motion will be placed in the hands of Solicitor Dorsey for his inspection and reply and the first hearing will be given on October 4.

Principal among the objections offered in the motion is the conduct of the crowds which attended the trial. Frank's attorneys openly declare the jury was intimidated, and despite their objections no effort was made to stop the applause which time and again rang out in the courtroom.

"Threats to clear the room were made by the trial judge," the motion states, "but they were absolutely disregarded and the threats were not enforced, despite the objections of counsel for the defense."

Hits at Conley Testimony.

The motion struck also at the admission of the lascivious testimony of Jim Conley, the negro sweeper. The testimony referred to included that wherein the negro declared on the witness stand that Frank had entertained women in the factory on holidays while he stood watch at the front door.

“Lasciviousness is not one of the character traits involved in a plea of murder and can not be held in a murder trial, even when the defendant has put his character in issue,” the motion stated.

The testimony of Dr. H. F. Harris, Country Physician, also was objected to. The motion declared that the physician’s testimony was “argumentative and not a statement of fact, scientifically or otherwise.” Dr. Harris had gone extensively into an analysis of the cabbage taken from the stomach of Mary Phagan, which she had eaten on the morning of her tragic death.

Objection was also made to the testimony of Newt Lee, the negro night watchman, who first found the Phagan girl’s body, wherein he testified as to Frank’s nervousness and his method of conversation when the two were brought together at the police station following the murder.

The testimony of Detective Black that Frank was excited, while Lee was composed, at this time also was made the point of an objection. Black’s statements of a conversation which he had had with Frank before the murder, when on a private investigation, were objected to when the detective compared them to the conversation which he held with the pencil factory superintendent after the girl was murdered.

Charge Errors to Court.

The petition charges that the court erred in allowing the testimony of Miss Mary Pirk, who charged immoral conditions at the pencil factory, and in admitting other testimony hinting at the same thing over the protests of the defense.

Error is charged in the admission of Miss Irene Jackson's evidence concerning a conversation with Detective Starnes about dressing-room conditions, and an incident in which Frank looked into the room when Miss Emily Mayfield was not dressed.

Another count is based on the ad-

PDF PAGE 11, COLUMN 1

PLEA FOR NEW TRIAL FOR FRANK, DOOMED SLAYER IS BASED ON 115 COUNTS

Continued From Page 1.

mission of Scott's testimony concerning a conversation he had with Mrs. Arthur White regarding her seeing a negro on the first floor of the factory. The State claimed this negro was Jim Conley.

Solicitor's Conduct Attacked.

The court is charged with error in allowing the Solicitor to declare that he was prepared to prove the charges of immorality against Frank. The petition charges specific error to the Solicitor's

declaration. "I am not four-flushing," made in the presence of the jury. It is declared that this declaration had undue influence on the jurors' minds, leading them to unfair inference.

Another error is laid to the court in allowing over the defense's objection to Solicitor's questions tending to show that Montag Brothers had attempted to influence the Pinkertons and had tried to make the detective agency shield the prisoner. The petition declares that none of the evidence concerning the employment of the Pinkertons was admissible.

The overruling of any evidence from Street Car Inspector Leach concerning the dismissal or punishment of employees for being ahead of schedule time is another count.

Error is charged in the questioning of J. N. Minar, a reporter for The Georgian. The defense claims that the questions concerning whether he went to interview the Epps family merely as a reporter should never have been allowed. The questions were asked, the petition says, to influence the jury and no attempt to prove the intimations ever was made.

In refusing to allow Miss Hall to testify to a telephone conversation in rank told her about work to be done that tragic day another error is charged and another in the admission of Philip Chambers' reference to Gantt, tending to show that Frank had tried to throw suspicion on Gantt and shield himself.

B'nai Brith Question Recalled.

The court also erred. It is held, in declining to allow Dr. David Marx to give testimony as to the character of the Jewish organization known as the B'nai Brith.

Defendant's counsel, it is said, stated at the time that Dr. Mary would testify that, while the B'nai Brith was an international Jewish charity organization, its charity did not extend to giving aid to persons charged with misdemeanors of criminal law.

The State objected to this, it is further stated, and the court sustained the objection and so the court erred in this respect,

for the reason that the Solicitor General, in his insinuations to the jury and in his speech, strongly intimated that Frank was receiving moral and financial support by reason of his membership in B'nai Brith.

The court also erred, it is held, in permitting Mr. J. J. Wardlaw to be asked certain questions in regard to Frank's alleged conduct on a Hapeville car with Mary Phagan. She answered, it is said, "No" to all questions. The defendant objected to the questions because while the witness denied any knowledge by hearsay or otherwise of the wrong asked about, the mere asking of such questions, the answer to which must have been irrelevant! And prejudicial, was harmful to the defendant, and the court erred in permitting questions to be asked no matter what the answers might have been.

Character Ruling Attacked.

The court further erred because, although the defendant had put his character in issue, admitting such testimony, the State could not reply by proof of improper or immoral conduct with women.

A reputation for lasciviousness is not involved in that general character that is material where the charge is murder, according to the defense.

The court erred, it is said, in permitting the witness, W. E. Turner, over the objection of the defendant, to tell of a conversation he overheard between Frank and Mary Phagan, in which Frank told her he was superintendent of the factory, and of Mary Phagan backing away from him, and of Frank walking toward her. This was prejudicial because it was a distinct transaction apart from the issues in the case intended to prejudice the jury.

The court erred in permitting W. P. Merck, over objection, to tell of an engagement he had with Daisy Hopkins, and to tell of her remarks that she had just been to the pencil factory.

The court erred in admitting the minutes of the State Board of Health showing the controversy of Dr. Harris and Dr. Westmoreland. This was prejudicial to the defendant, centering the minds of the jury men on something different from the issues in the case. It erred in permitting E. H. Pickett to testify, over objections, about Menola McKnight's statements.

Hit Car Evidence.

The court erred in permitting J. C. McEwen, street car man, to testify as to the arrival of the Euclid avenue car—stating that it would have to be ahead of the White City car to cut it off. Objecting also was cited to the testimony of Henry Hoffman, another street car man who testified about cars coming in ahead of time.

Objections were cited to the testimony of J. M. Gantt, that the clocks of the pencil factory were not accurate, on the ground that the evidence was misleading.

Other objections were: Against the testimony of Harry Scott, admitted over objection, that Frank did not inform him that Conley could write.

Against L. T. Kendrick's testimony about the condition of the clocks while he was in the factory.

Attack Character Evidence.

That the court erred in allowing witnesses to testify that Frank's character for lasciviousness was bad.

"To permit this evidence," states the petition, "was highly prejudicial to the defendant. It attacked his moral character, and while such an attack would not tend to convict him of murder nor show him a person of such character as would likely convict him of murder nor show him a person of such character as would likely commit murder its introduction prejudiced the jury against him."

It charges that the court erred in permitting Dewey Hewitt, who was brought to Atlanta from the Home of the Good Shepard, in Cincinnati, to testify as to Frank's character, that the court erred also in admitting the following evidence.

The testimony of Miss Cato that she saw Frank go into a private dressing room with Miss Rebecca Carson.

That the court erred in refusing to give certain pertinent legal charges in the language requested by the defendant's counsel.

The petition states the judge was requested to make this charge:

"If the jury believed from the evidence that the theory or hypothesis that James Conley may have committed this crime is just as reasonable as the theory that the defendant may have committed this crime then under the law, it would be your duty to acquit the defendant.

Applause in Court Cited.

It charges that the court erred in declining to grant a motion for a mistrial on account of the applause.

That the court erred in refusing to clear the courtroom. Says the petition:

"The passion and prejudice of those in the crowded courtroom was so much aroused against the defendant that he could not obtain a fair and impartial trial. The very presence of that crowd was a menace to the jury."

It further charges that the court erred in permitting Attorney Hooper to argue to the jury that the failure of the defense to cross-examine the State's female character witnesses was because a cross-examination would have brought out specific instance of immorality.

A similar objection is made to Dorsey's argument.

One objection to Dorsey's speech was his reasons for Mrs. Frank's failure to visit her husband.

It charges that the court erred in permitting Dorsey to intimate that the defense called some of the expert witnesses because they were physicians of some of the jurors.

The petition charges that J. A. Hensley and Mr. Johannon were prejudiced against the defendant when they were selected as jurors, and were not fair and impartial jurors.

PDF PAGE 6, COLUMNS 1, 3, 4 & 7

PDF PAGE 6, COLUMN 1 FRANK RETRIAL ARGUMENT ATTACKS JURORS

PDF PAGE 6, COLUMN 3 Dorsey Tells Why

Jail Is Crowded

That the overcrowded condition of the county jail, which has been made the subject of a letter from the Board of County Commissioners, can not be alleviated at the present time was the statement of Solicitor Dorsey Wednesday.

Mr. Dorsey declared the conditions grew out of the Frank trial and the consequent absence of one judge from the criminal bench.

PDF PAGE 6, COLUMN 4

Mother of a Frank Juror Held Insane

An echo of the Frank trial was heard in the Fulton County Ordinary Court Wednesday when a jury declared Mrs. Eliza Bosshardt, 60 years of age, mother of Charles Bosshardt, one of the jurors in the case, a fit subject for the State sanitarium at Milledgeville.

Relatives testified Mrs. Bosshardt suffered from delusions during the Frank trial. She expressed fear that her son would be drowned.

PDF PAGE 6, COLUMN 7

MANY ERRORS LAID TO COURT; CHARGE MADE OF JURY INTIMIDATION

In an exhaustive research, requiring nearly 200 typewritten pages, citing counts and attacking two of the jurors, an amended motion for a new trial for M. Frank, sentenced to hang October 10 for the murder of Mary Phagan, was filed Wednesday.

Each count, wherein the court declared to have erred in the trial of the pencil factory superintendent, is directed, its effect asserted and the whole combined in a masterly manner to form the chain of the defense's claims.

The two jurors named are Marcus Jochenning and J. A. Henslee, both of whom, it is claimed in the motion, were prejudiced against Frank before they were selected. Affidavits will be introduced to support this contention.

The motion was placed in the hands of Solicitor Dorsey for his inspection and reply and the first hearing will be given on October 4.

Principal among the objections offered in the motion is the conduct of the crowds which attended the trial. Frank's attorneys openly declare the jury was intimidated, and despite their objections no effort was made to stop the applause which time and again rang out in the courtroom.

"Threats to clear the room were made by the trial judge," the motion states, "but they were absolutely disregarded and the threats were not enforced, despite the objections of counsel for the defense."

Hits at Conley Testimony.

The motion struck also at the admission of the lascivious testimony of Jim Conley, the negro sweeper. The testimony referred to included that wherein the negro declared on the witness stand that Frank had entertained women in the factory on holidays while he stood watch at the front door.

"Lasciviousness is not one of the character traits involved in a plea of murder and can not be held in a murder trial, even when the defendant has put his character in issue," the motion stated.

The testimony of Dr. H. F. Harris, Country Physician, also was objected to. The motion declared that the physician's testimony was "argumentative and not a statement of fact, scientifically or otherwise." Dr. Harris had gone extensively into an analysis of the

cabbage taken from the stomach of Mary Phagan, which she had eaten on the morning of her tragic death.

Objection was also made to the testimony of Newt Lee, the negro night watchman, who first found the Phagan girl's body, wherein he testified as to Frank's nervousness and his method of conversation when the two were brought together at the police station following the murder.

The testimony of Detective Black that Frank was excited, while Lee was composed, at this time also was made the point of an objection. Black's statements of a conversation which he had had with Frank before the murder, when on a private investigation, were objected to when the detective compared them to the conversation which he held with the pencil factory superintendent after the girl was murdered.

Charge Errors to Court.

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Another count is based on the admission of Scott's testimony concerning a conversation he had with Mrs. Arthur White regarding her seeing a negro on the first floor of the factory.

PDF PAGE 12, COLUMN 1

PLEA FOR NEW TRIAL FOR FRANK, DOOMED SLAYER IS BASED ON 115 COUNTS

Continued From Page 1.

The State claimed this negro was Jim Conley.

Solicitor's Conduct Attacked.

The court is charged with error in allowing the Solicitor to declare that he was prepared to prove the charges of immorality against Frank. The petition charges specific error to the Solicitor's declaration. "I am not four-flushing," made in the presence of the jury. It is declared that this declaration had undue influence on the jurors' minds, leading them to unfair inference.

Another error is laid to the court in allowing over the defense's objection to Solicitor's questions tending to show that Montag Brothers had attempted to influence the Pinkertons and had tried to make the detective agency shield the prisoner. The petition declares that none of the evidence concerning the employment of the Pinkertons was admissible.

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The court also erred. It is held, in declining to allow Dr. David Marx to give testimony as to the character of the Jewish organization known as the B'nai Brith.

Defendant's counsel, it is said, stated at the time that Dr. Mary would testify that, while the B'nai Brith was an international Jewish charity organization, its charity did not extend to giving aid to persons charged with misdemeanors of criminal law.

The State objected to this, it is further stated, and the court sustained the objection and so the court erred in this respect, for the reason that the Solicitor General, in his insinuations to the jury and in his speech, strongly intimated that Frank was receiving moral and financial support by reason of his membership in B'nai Brith.

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would have to be ahead of the White City car to cut it off. Objecting also was cited to the testimony of Henry Hoffman, another street car man who testified about cars coming in ahead of time.

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Other objections were: Against the testimony of Harry Scott, admitted over objection, that Frank did not inform him that Conley could write.

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The petition states the judge was requested to make this charge:

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Applause in Court Cited.

It charges that the court erred in declining to grant a motion for a mistrial on account of the applause.

That the court erred in refusing to clear the courtroom. Says the petition:

“The passion and prejudice of those in the crowded courtroom was so much aroused against the defendant that he could not obtain a fair and impartial trial. The very presence of that crowd was a menace to the jury.”

It further charges that the court erred in permitting Attorney Hooper to argue to the jury that the failure of the defense to cross-examine the State’s female character witnesses was because a cross-examination would have brought out specific instance of immorality.

A similar objection is made to Dorsey’s argument.

One objection to Dorsey’s speech was his reasons for Mrs. Frank’s failure to visit her husband.

It charges that the court erred in permitting Dorsey to intimate that the defense called some of the expert witnesses because they were physicians of some of the jurors.

The petition charges that J. A. Hensley and Mr. Johannon were prejudiced against the defendant when they were selected as jurors, and were not fair and impartial jurors.

Other Points in Motion.

Other interesting extracts from the petition are.

Public sentiment was greatly aroused against the defendant. The courtroom was quite a small room and during the argument of the case every seat was taken. The jury, in going to and fro was dependent on the small passage ways made by the officers of the court. The jurymen could hear the whispers of the crowd.

During the argument of the Solicitor, Mr. Arnold made an objection and the crowd and laughingly jeered at him so that Mr. Arnold appealed to the court.

On Saturday, prior to the rendition of the verdict, excitement in and about the courtroom was so apparent as to cause apprehension in the mind of the court as to whether he could safely continue the trial Saturday afternoon.

Tells of Court Conference.

In making up his mind his honor conferred with, while on the stand and in the presence of the jury, the chief of police of Atlanta and the colonel of the Fifth Georgia Regiment. The public press, apprehending trouble also, united in a request to the court that he not continue the court on Saturday.

So court was adjourned until Monday morning.

But public excitement had not subsided Monday morning. When the Solicitor entered the courtroom he was vociferously cheered by the large crowd—ladies and gentlemen—present, by stamping their feet and clapping hands while the jury was not 20 feet away in their rooms.

While Mr. Arnold was making a motion for a mistrial and while taking testimony to support it the crowd applauded.

Cheers for Dorsey Recalled.

When the jury was finally charged by the court and retired to consider their verdict, and when Mr. Dorsey left the courtroom, a large crowd on the outside of the courthouse and in the street

cheered by yelling and clapping hands and yelling "Hurray for Dorsey."

When it was announced that the jury had agreed upon a verdict the court felt constrained to clear the courtroom, but when the verdict was rendered a crowd of more than 1,000 people outside raised a mighty shout of approval.

The court erred in not leaving it to the jury to say whether or not, under the facts, the witness Conley was an accomplice.

Allege Technical Errors.

The court further erred in not charging the jury that if, under the instructions given them, they found Conley was an accomplice of Frank, they could not convict Frank under the testimony of Conley alone, but that to do so there must be a witness other than Conley alone, but that to do so there must be a witness other than Conley in circumstances corroborating the evidence of Conley.

The court erred, over the objection of the defendant, in allowing the witness, Lewis Ingram, to testify as to the street car coming in ahead of time. The court erred for the same reason in permitting the witness, W. D. Owens, to testify as to the time.

The court erred in charging the jury as follows:

"Is Leo Frank guilty? Are you satisfied of that beyond a reasonable doubt from the evidence in this case or is his plea of not guilty the truth?"

Reason for Objection.

"The court erred in putting the proposition of the defendant's guilt or innocence to the jury in this manner, because the effect of the same was to put the burden upon the defendant of establishing his plea of not guilty and the further effect was to impress upon the jury, that, unless they believed that the defendant's plea of not guilty was the truth that they could not acquit him, and even though they did not believe his plea of not

guilty to be true, it left out entirely the consideration that if they still had a reasonable doubt in their minds of his guilt they should acquit him.”

Twenty-five pages of the petition are devoted to objections to Solicitor Dorsey’s speech. The various objections to his arguments that were made in court are recited and urged as grounds for a new trial. The court is charged with having erred in performance putting certain comparisons between the Durrant, Richeson and Wilde cases and the Frank case.

Mentions Vain Request.

The petition says that a new trial should be granted because of the following grounds:

The Solicitor General having, in his concluding argument, made the various statements of fact about the Durant case, as shown in the preceding grounds of this motion, the defendant requested the court, in writing, before the judge began his charge, to charge the jury as follows, which request the judge refused to grant and thereupon committed error:

“The jury was instructed that the facts in other cases read or stated in your hearing are to have no influence upon you in making your verdict. You are to try this case upon its own facts and upon the opinion you entertain of the evidence here introduced.”

PDF PAGE 7, COLUMN 2

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| <h1>PASTOR PROBES LIVES</h1> |
|---|

OF GIRLS' EMPLOYERS

**The Rev.
Hugh
S. Wallace,
who has
started a
crusade to
better
working
conditions
of women
toilers.**

PDF PAGE 7, COLUMN 3

The Rev. Hugh Wallace Seeks “Slave-Driving”

Evidence to Give Labor Unions.

The Rev. Hugh S. Wallace, pastor of the Jones Avenue Baptist Church, whose stinging denunciation of labor conditions in Atlanta aroused wide interest, Tuesday morning declared to The Georgian that his fight in behalf of the city's host of working women, girls and children has just begun and that he intends to lay bare a shocking state of affairs.

The minister said it is his purpose to probe thoroughly into the personal life of the owners of factories, workshops and other

places in which large numbers of girls are employed, to ascertain whether these men are moral, whether they are making any effort to safeguard the morals of the working girls and whether they are oppressing these girls by forcing them to slave long hours for a starvation wage. This feature of his investigation already is under way, said the Rev. Mr. Wallace.

Unions to Get Facts.

The life histories will be turned over to the local Federation of Trades, he said, to be used in its fight for the betterment of labor conditions for women, girls and children.

He outlined his plan in this way:

"I am now gathering a list of the factory, shop and store owners of the city to find out just what concerns employ the bulk of woman, girl and child labor. Then I am going to investigate the heads of these concerns. I want to ascertain how much wealth they have, how much money they have put into country palaces and handsome city homes, how many automobiles they have and how often they make a tour of Europe."

"Then I want to know if this is blood money—if they have accumulated their wealth by grinding and crushing out the lives of the hundreds of poor women and girls who toil for them."

"Many times committees of women and girls wait on the heads of factories and other like places to plead for a living wage, and are met by the answer. 'We are making no money ourselves.' If these women and girls had in their possession facts and figures as to the fabulous sums of money being squandered by their 'bosses,' they would be prepared to combat such an answer and make a more effective appeal."

"There's one thing certain—if these 'drivers of girls,' who are spending money so lavishly, are not making it, they are stealing it. And if they are making it, they certainly can afford to better the shocking conditions of their army of dependents."

“This doesn’t mean any reflection whatever on the working girls for they are noble class, and the great majority of them are irreproachable,” said the minister. “But some of our young girls are weak, and we must protect them.”

PDF PAGE 9, COLUMN 1

HAWTHORNE SCOFFS AT LOMBROSO’S THEORY OF ‘CRIMINAL TYPE OF MAN’

THE WALL

The long, high wall that shuts out life,
The death-in-life holds in its coil—
It’s height and length can not prevent
The sky nor check the immortal strife
We wage with sullen Fate, nor spoil
Our desperate hope, nor circumvent

Dreams that deny our aimless toil.
What fear and ignorance have built
Shall pass with ignorance and fear
Before the breath of Love; and men,
Casting aside the mask of guilt
That baffled, cursed and mocked them here,
Shall know each other once again!
—And must we die, release so near.

Denying the theory of Lombroso, the world-famous criminologist of Italy. Julian Hawthorne, son of Nathaniel Hawthorne, has written a keenly contrasting study of criminals as he has seen them in the Federal Prison, the gist of which is that there is no such thing as the “criminal type” which the great Italian claimed.

The article appears in the October number of the prisoner’s monthly paper, Good Words, and is probably the last which Hawthorne, will write for this publication, as his release will come this month. Hawthorne’s treatment of the Lombroso theory tinges with sarcasm. It is gleaned from his association with prisoners “inside the walls.”

Pens Verses on Subject.

In the same issue Hawthorne has published under his registered number, “4435,” a fourteen-line verse upon this subject. In these lines Hawthorne expresses the hope of the greatest thinkers of all time—that the punitive methods of dealing with crime, conceived in fear and born of ignorance, will give way to the boundless influence of Love.

“Good Words” for October contains a number of other contributions from Hawthorne’s pen, in most of which he merely elaborates ideas on which he has already expressed himself. In the one, however, he strikes a new note. “The Goring of

Lombroso" is in many respects one of the most remarkable of the many remarkable articles Hawthorne has written since he was imprisoned.

Scoffs at "Criminal Type."

The article is a dental of the assertions of Professor Lombroso—made a generation ago and still coloring and hampering the work of humanity—that there is a distinct criminal type; that man's evil purposes and practices were so plainly written on his physical anatomy that the "verist suckling detective might read them."

"And," Hawthorne writes sarcastically, "when Professor Lombroso's diagrams and specifications came along, no doubt the criminal fraternity studied them in fear and trembling. * * * They were swallowed entirely by the doctors and physiological specialists and speculators; the idea fitted in so comfortably with certain pet notions of their own."

Scores "Triumph of Science."

"It was good to know that there was a criminal type; it was delightful to be assured that the goats could be picked out from the sheep at the most cursory glance. Hereafter there could be no more whited sepulchers, or wolves in sheep's clothing."

"That stunted figure, that furtive bearing, that domed cranium, that receding brow, that jaw, deficient or prognathous, those deep-set eyes, that tell-tale pallor, those fingers and toes, that nose, those ears, those lips—these and many other details were unmistakable. It was a triumph of science."

Hawthorne declares that this "triumph" has been in progress for 25 years, and has colored every phase of human activity. "And all the while crime," he writes, "has increased by leaps and bounds, until at length we are arresting almost everybody."

"All Conform to Type."

In his article Hawthorne cites a book just issued by Dr. Goring, of England, "the fruit of twelve years' study of actual people—not theoretical ones—which demonstrates that if there be a criminal type, it is so extensive and comprehensive that not only are criminals included in it—but everybody else, too—the university men, the theologians, the pillars of finance, the bench and bar, the monks in their cloisters and the rulers on their thrones—nay, why not Professor Lombroso himself?"

Hawthorne declares that no one can pick out a criminal by external indices, "without immediate risk of action for trespass from a bishop or professional philanthropist. If you attire the members of Congress in striped suits no one would entertain any misgivings that the dark cell was the only proper place for them."

In conclusion Hawthorne writes:

Morton Writes on "Parole."

"Men are terribly alike—the best and worst of them. Heredity and circumstances seem more than a watch for the individual; they can save him or destroy him, apparently at their own whim. Yet, when crime is committed, it is the individual and not the heredity and circumstance that we punish. Now, punishment has for its object the improvement of the person punished, and thereby the protection of society. But if heredity and circumstance are guilty, how can the punishment of the individual benefit anybody or anything?"

The current number of Good Words contains also a poem by Dr. William J. Morton, who was arrested with Hawthorne and will be released at the same time, on "Parole." The poem is a protest against present methods of dealing with criminals, developing the idea that it is the family of the imprisoned men "who pay the price of sin," and a plea for increased flexibility of the parole laws.

He writes:

***** Our prisoner knew

That earned parole to him was due.

But months and years sped down the stream
Of time, lost—gone—a hideous dream
The years drawn out in long delay,
Like cankering specters haunted him.
His heart stood still, his eyes were dim;
Still no parole was given.
Then came a thunderbolt from Heaven,
His wife and children died,
And his last hope died in him—
Even
To lay him by their side.
Gazing on space, his weary eyes,
Dumb index of the inward pain,
Sought what he ne'er would find again,
Lost in an infinite surmise,
Or asking in a mute surprise
How man so cruel could be!

PDF PAGE 15, COLUMN 1

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